

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Luv N' Care, Ltd.,

Case No.: 2:18-cv-02224-JAD-EJY

Plaintiff

**Order Granting Motion
for Entry of Judgment**

v.

[ECF No. 43]

Lindsey Laurain, *et al.*,

Defendants

Luv N' Care, Ltd. (LNC) moves for entry of judgment on a sanctions award imposed by Magistrate Judge Elayna J. Youchah on Blue Basin Medical, LLC and its managing member Bradley Laurain. Laurain responds that the request is premature because I have not yet reviewed or adopted Magistrate Judge Youchah's recommendation. But because Magistrate Judge Youchah imposed those sanctions not in a recommendation but an order, and Laurain failed to object to that order, I need not—and do not—review it. So I grant LNC's motion for entry of judgment and direct the clerk to enter LNC's proposed form of judgment.

Background

LNC filed this action to compel Blue Basin to produce documents responsive to a subpoena issued in a matter pending in the United States District Court for the Western District of Louisiana.¹ After Blue Basin failed to respond to the motion, Magistrate Judge George Foley granted the motion to compel and awarded LNC attorney's fees and costs, pending a memorandum from LNC showing the attorney's fees and costs that it incurred.² From there, the proceedings multiplied in a few overlapping tracks:

¹ ECF No. 1.

² ECF No. 11.

- 1 • Blue Basin and Laurain objected to Magistrate Judge Foley’s order.³ I overruled
2 those objections.⁴
- 3 • LNC moved to hold Blue Basin and Laurain in contempt of Magistrate Judge
4 Foley’s order and hold Laurain liable for the attorney’s fees provided by
5 Magistrate Judge Foley’s order.⁵ Magistrate Judge Youchah, who was assigned
6 this case after Magistrate Judge Foley retired,⁶ granted the motion and found Blue
7 Basin and Laurain jointly and severally liable for the attorney’s fees.⁷ After Blue
8 Basin filed an “objection and motion to reconsider[,]”⁸ however, Magistrate Judge
9 Youchah issued a minute order taking the order under advisement pending further
10 briefing.⁹ LNC filed a response to which Blue Basin and Laurain replied.¹⁰
11 Magistrate Judge Youchah then issued an order finding “no basis in law [or] fact
12 to revise [the] holding that Blue Basin and Mr. Laurain are jointly and severally
13 liable for LNC’s reasonable attorney’s fees and costs.”¹¹ No one objected.
- 14 • LNC filed its memorandum of attorney’s fees, as directed by Magistrate Judge
15 Foley’s order.¹² Magistrate Judge Youchah initially denied LNC’s request
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17 ³ ECF No. 21.

18 ⁴ ECF No. 38.

19 ⁵ ECF No. 13.

20 ⁶ See ECF No. 31.

21 ⁷ ECF No. 32.

22 ⁸ ECF No. 36.

23 ⁹ ECF No. 39.

¹⁰ ECF Nos. 40; 41.

¹¹ ECF No. 42 at 11.

¹² ECF No. 12.

without prejudice to a revised memorandum.¹³ After LNC filed that revised memorandum, Judge Youchah entered an order sanctioning Blue Basin and Laurain with \$29,891 in attorney's fees.¹⁴ Magistrate Judge Youchah's minute order taking her contempt order under advisement stayed this attorney's fees order until she issued her order on the motion for reconsideration.¹⁵ But no one objected to the attorney's fees order—either after Magistrate Judge Youchah issued it or after she issued the order terminating the stay of it.

LNC now moves for entry of judgment of this last order sanctioning Blue Basin and Laurain with \$29,891 in attorney's fees.¹⁶

Discussion

LNC moves for entry of judgment because the clerk's office has taken the position that the attorney's fees order is one for which the court must approve the form of judgment under Federal Rule of Civil Procedure 58(b)(2).¹⁷ Laurain responds that the motion is premature because I have not accepted Magistrate Judge Youchah's "recommendation."¹⁸

Magistrate judges are authorized to "hear and determine any pretrial matter pending before the court," except for an enumerated list of dispositive motions.¹⁹ For those enumerated motions, however, magistrate judges are only permitted to issue "proposed findings of fact and

¹³ ECF No. 32.

¹⁴ ECF No. 37.

¹⁵ ECF No. 39.

¹⁶ ECF No. 43.

¹⁷ ECF No. 43.

¹⁸ ECF No. 45 at 1.

¹⁹ 28 U.S.C. § 636(b)(1)(A); L.R. IB 1-3.

1 recommendations.”²⁰ In order to object to either form of action by a magistrate judge, a party
2 must file and serve written objections within fourteen days of service.²¹

3 Here, LNC’s motion for attorney’s fees was a pretrial matter that did not fall within the
4 list of enumerated, dispositive motions.²² So Magistrate Judge Youchah was permitted to “hear
5 and determine” it in an order.²³ Indeed, the order LNC seeks to convert into a judgment is titled
6 “order,” not “report and recommendation.”²⁴ Laurain’s contention that I first need to accept
7 Magistrate Youchah’s recommendation is thus without basis. I need not—and do not—review
8 Magistrate Judge Youchah’s order because no party filed objections to the attorney’s fees
9 order—or the order resolving LNC’s motion to hold Laurain jointly and severally liable. And
10 because Laurain offers no other arguments against entry of judgment, I grant LNC’s motion and
11 direct the clerk to enter judgment in its favor.

12 Conclusion

13 ACCORDINGLY, with good cause appearing and no reason to delay, **IT IS**
14 **THEREFORE ORDERED** that LNC’s motion for entry of judgment [ECF No. 43] is
15 **GRANTED. The CLERK OF COURT is directed to enter judgment in favor of Luv n’**
16 **Care, Ltd., and against Blue Basin Medical, LLC and Bradley Laurain, jointly and**
17 **severally, in the amount of \$29,891.00.**

21 ²⁰ *Id.* § 636(b)(1)(B); L.R. IB 1-4.

22 ²¹ 28 U.S.C. §636(b)(1); LR IB 3-1(a).

22 ²² 28 U.S.C. § 636(b)(1)(A).

23 ²³ *Id.*

24 ²⁴ ECF No. 37.

1 And because it appears that the purpose of this action has reached its conclusion, **IT IS**
2 **FURTHER ORDERED** that LNC must show cause in writing by August 17, 2020, why this
3 case should not be closed.

4 Dated: July 27, 2020

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7 U.S. District Judge Jennifer A. Dorsey
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